

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
FOURTH REGION**

TOTTER INDUSTRIES, LLC¹

Employer

and

Case 04-RC-147251

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 98²

Petitioner

**REGIONAL DIRECTOR'S DECISION AND
DIRECTION OF ELECTION**

I. INTRODUCTION

The Employer is an electrical construction and service contractor based in Boyertown, Pennsylvania. Petitioner seeks to represent a unit of the Employer's electricians and helpers.³ The Employer agrees that this unit is appropriate, and the parties are in agreement on the identity of unit employees with one exception.⁴ Petitioner contends that electrical foreman Peter Nimmeritcher should be excluded from the bargaining unit either because he is a supervisor or because he does not share a community of interest with other unit employees. The Employer insists Nimmeritcher has a community of interest and does not possess the indicia of supervisory status set out in Section 2(11) of the Act. Agreeing with the Employer, I shall, as I explain in greater detail below, find that Petitioner failed to meet its burden of establishing Nimmeritcher's

¹ The Employer's name appears as amended at the hearing.

² The Petitioner's name appears as amended at the hearing.

³ At the hearing, the parties stipulated that the unit described in the amended petition was appropriate, i.e., all full-time and regular part-time journeymen electricians, mechanics, apprentices and helper level electricians; excluding all office staff, office and plant clericals, delivery drivers, guards, managers and supervisors as defined in the Act.

⁴ At the start of the hearing, the parties indicated that there was also a dispute about the unit placement of two additional individuals – Mark Finn and John Pasquarello. The Employer argued that Pasquarello should be included because he was employed as an electrician and that Finn should be excluded because he had been fired before the petition was filed. Petitioner was uncertain about Pasquarello's status and maintained that Finn had been laid off with an expectation of recall. During the hearing, Petitioner agreed that Pasquarello should be considered part of the unit. In its Brief, it withdrew its contention that Finn had been laid off, although it has filed the charge in 4-CA-148118 contending he was fired illegally. Finn's eligibility will be determined by the outcome of that charge.

supervisory status and that Nimmerichter does share a community of interest with unit employees.⁵

To provide a context for my discussion, I will first present an overview of the Employer's operations. Then, I will review the factors that must be evaluated in determining whether Nimmerichter is a supervisor within the meaning of the Act and shares a community of interest with other employees. Finally, I will present in detail the facts and reasoning that support my conclusions.

II. OVERVIEW OF OPERATIONS

As I noted above, the Employer is an electrical construction and service contractor based in Boyertown, Pennsylvania. Christian Trotter is the Employer's President. The Employer performs work in southeastern Pennsylvania and, to a lesser extent, in New Jersey. As of the date of the hearing, the Employer employed 11 individuals who performed electrical work in the field including electrical foreman Peter Nimmerichter. Nimmerichter testified that he is not the only electrician who acts as a foreman, although he was unable to identify the other individuals who serve in that capacity. Electrical foremen appear to have responsibility for a single job. They report to Trotter.

III. FACTORS RELEVANT TO DETERMINING SUPERVISORY STATUS AND COMMUNITY OF INTEREST

A. Supervisory Status

Supervisors are specifically excluded from coverage under the National Labor Relations Act. The burden of establishing supervisory status is on the party asserting that such status exists. *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711 (2001); *Shaw Inc.*, 350 NLRB 354, 355 (2007). The party seeking to prove supervisory status must establish it by a preponderance of the evidence. *Oakwood Healthcare, Inc.*, 348 NLRB 686, 695 (2006). Section 2(11) of the Act sets forth a three-part test for determining whether an individual is a supervisor. Pursuant to this test, employees are statutory supervisors if: (1) they hold the authority to engage in any one of the 12 supervisory functions listed in Section 2(11); (2) their exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment; and (3) their authority is held in the interest of the employer. See *NLRB v. Kentucky River*, supra at 712-713; *NLRB v. Health Care & Retirement Corp. of America*, 511 U.S. 571, 573-574 (1994).

The statutory indicia for supervisory status set forth in Section 2(11) are read in the disjunctive, and possession of any one of the indicia listed is sufficient to make an individual a supervisor. *Kentucky River*, supra at 713; *Shaw, Inc.*, supra. at 355. The Board analyzes each

⁵ Petitioner made its community of interest claim at the hearing, but did not address the issue in its post-hearing Brief. Since the argument has not been formally withdrawn, I will address it below.

case in order to differentiate between the exercise of independent judgment and the giving of routine instructions, between effective recommendation and forceful suggestions, and between the appearance of supervision and supervision in fact. The exercise of some supervisory authority in a merely routine, clerical, or perfunctory manner does not confer supervisory status on an employee. See, *Oakwood Healthcare, Inc.*, supra. at 693; *J.C. Brock Corp.*, 314 NLRB 157, 158 (1994). The authority effectively to recommend an action means that the recommended action is taken without independent investigation by supervisors, not simply that the recommendation is ultimately followed. See, *The Republican, Inc.*, 361 NLRB No. 15 at slip. opin. p. 5 (2014); *Children's Farm Home*, 324 NLRB 61, 61 (1997). The Board has an obligation not to construe the statutory language too broadly because the individual found to be a supervisor is denied the employee rights that are protected under the Act. *Oakwood Healthcare, Inc.*, supra at 688 ; *Avante at Wilson, Inc.*, 348 NLRB 1056, 1058 (2006). Where the evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, the Board will find that supervisory status has not been established, at least on the basis of those indicia. *The Republican, Inc.*, supra.; *Dole Fresh Vegetables, Inc.*, 339 NLRB 785, 792 (2003). The sporadic exercise of supervisory authority is not sufficient to transform an employee into a supervisor. See, *Shaw, Inc.*, supra.; *Oakwood Healthcare*, supra. at 693; *Kanahwa Stone Co.*, 334 NLRB 235, 237 (2001).

In its decisions in *Oakwood Healthcare, Inc.*, supra. at 690-92, *Croft Metals, Inc.*, 348 NLRB 717 (2006), and *Golden Crest Healthcare*, 348 NLRB 727 (2006), the Board clarified the circumstances in which it will find that individuals exercise sufficient discretion in performing two of the functions listed in Section 2(11) – assignment and responsible direction of work – to justify their classification as statutory supervisors. As defined in *Oakwood Healthcare*, supra. at 688-90, the term “assign” refers to the “act of designating an employee to a place (such as a location, department or wing), appointing an employee to a time (such as a shift or overtime period) or giving significant overall duties, i.e., tasks, to an employee.”

In *Oakwood Healthcare*, supra. at 690-92, the Board explained “responsible direction,” as follows: “If a person on the shop floor has ‘men under him,’ and if that person decides ‘what job shall be undertaken next or who shall do it,’ that person is a supervisor, provided that the direction is both ‘responsible . . . and carried out with independent judgment.” “Responsible direction,” in contrast to “assignment,” can involve the delegation of discrete tasks as opposed to overall duties. But, an individual will be found to have the authority to responsibly direct other employees only if the individual is *accountable* for the performance of the tasks by the other employee. Accountability means that the employer has delegated to the putative supervisor the authority to direct the work and the authority to take corrective action if necessary, and the putative supervisor faces the prospect of adverse consequences if the employees under his or her command fail to perform their tasks correctly. *Ibid.* See also, *Community Education Centers, Inc.*, 360 NLRB No. 17, at slip. opin. p. 1 (2014).

Assignment or responsible direction will, as noted above, produce a finding of supervisory status only if the exercise of independent judgment is involved. Independent judgment will be found where the alleged supervisor acts free from the control of others, is required to form an opinion by discerning and comparing data, and makes a decision not dictated by circumstances or company policy. *Oakwood Healthcare*, supra at 693; *PPG Aerospace*

Industries, Inc., 353 NLRB 223, 223 (2008). Independent judgment requires that the decision “rise above the merely routine or clerical.” *Oakwood Healthcare*, supra.

B. Community of Interest

In determining whether a group of employees has a sufficient community of interest to constitute an appropriate unit, the Board considers such factors as employee skills and job functions; common supervision; contact and interchange; similarities in wages, hours and other terms of employment; functional integration; and bargaining history. *Publix Super Markets*, 343 NLRB 1923 (2004); *United Operations, Inc.*, 338 NLRB 123 (2002); *Home Depot, Inc.*, 331 NLRB 1289 (2000). Where a union petitions for a unit of employees who are both readily identifiable as a group and who share a community of interest, employer attempts to place additional employees in the unit will be successful only where the added workers share an overwhelming community of interest with the petitioned-for group. *Speciality Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83, at slip. opin. p. 10-13 (2011). An overwhelming community of interest will be found only if there is no basis on which to exclude the additional employees because traditional community of interest criteria overlap almost completely and the petitioned-for employees constitute an “arbitrary segment” of what would be an appropriate unit. *Bergdorf Goodman*, 361 NLRB No. 11, at slip. opin. p. 2 (2014); *Fraser Engineering Co.*, 359 NLRB No. 80, at slip. opin. p. 1 (2013); *Odwalla, Inc.*, 357 NLRB No. 132, at slip. opin. p. 5 (2011).

IV. FACTS

A. Supervisory Status

Peter Nimmerichter has worked for the Employer since September 2014 as an electrician and electrical foreman. Petitioner contends that he qualifies as a statutory supervisor as a result of his alleged abilities to assign, responsibly direct and discipline other employees.

Assignment of work and responsible direction

Nimmerichter does not play any role in determining the hours other employees will work or the job sites to which they will be assigned. At the time of the hearing, he was working on a site with three other electricians.⁶ Nimmerichter testified that he spends 95% of his time performing electrical work identical to that performed by the Employer’s other electricians, but that he also “see[s] to the daily duties of the job site.” This involves identifying tasks for other employees to perform on site. Electrician John Siefried, for example, testified that on the job he was working at the time of the hearing, Nimmerichter instructed him to install lighting in a particular area and coordinated with the facility to determine the time when the work could be performed. The record does not indicate what criteria Nimmerichter uses in deciding to assign tasks to particular employees.

⁶ The record does not indicate if this is representative of the number of employees normally assigned to the Employer’s jobs.

In addition to identifying tasks for other electricians to perform, Nimmerichter sometimes gives them instructions about how the job is to be done and what materials should be used. However, the electricians generally know how to perform their jobs and do not require direction once assigned to particular tasks. Nimmerichter does provide instruction to less experienced workers, but other electricians also provide direction when working with employees who have less experience.

Nimmerichter will sometimes check work done by other electricians and ask to have it redone if he believes it was not handled correctly. Nimmerichter tells Trotter if he feels an employee's work is subpar, and Trotter may take action as a result of these reports. Nimmerichter testified that he does not believe he is held responsible for the performance of the other electricians on the jobs he works, and there is no evidence that he has suffered adverse consequences as a result of work done by other employees.

Employees on Nimmerichter's jobs let him know if they are going to arrive late or leave early or if they are planning to take a day off. However, nothing in the record indicates that Nimmerichter has the power to tell other workers that they cannot leave or are not entitled to take off.

Employees on his jobs tell Nimmerichter how many hours they work, and he reports the number to the Employer for payroll purposes. Nimmerichter and other working foremen can order supplies for their jobs.

Discipline

With respect to discipline, Nimmerichter testified that he has no authority to fire employees and that his role in discipline is limited to reporting employee performance issues to Employer President Trotter. Specifically, Nimmerichter testified that, if he observes or hears of problems with an employee's work performance, he reports that information to Trotter. Trotter then decides what action to take, and whether Nimmerichter or Trotter should implement Trotter's decision. The record does not indicate the procedure used by Trotter in making his decisions.

The record contains several examples of Trotter taking action after reports by Nimmerichter. Mark Finn, for instance, was hired by the Employer in December 2014 as a journeyman. After working with Finn, Nimmerichter informed Trotter that Finn's work performance was not at the level of a journeyman electrician although Nimmerichter made no recommendation as to what action, if any, Trotter should take as a result. Trotter subsequently reduced Finn's hourly wage from \$18.00 to \$12.00 per hour and explained to Finn that the reduction was due to Finn's failure to work at a journeyman level.

Finn was terminated shortly after his wages were cut because Trotter claimed he was not productive. Apart from his report to Trotter on Finn's failure to work at a journeyman level, there is no evidence Nimmerichter was involved in the decision to terminate Finn, although he did tell Finn and others that Finn was likely to be terminated.

In a similar situation, Nimmerichter reported to Trotter that an employee named Jeff was not performing well and that employees on the job were complaining to him that Jeff spent a lot of work time talking on the phone. Nimmerichter testified that he did not make a recommendation as to what action Trotter should take as a result of this report, and it is not clear what happened to Jeff although he subsequently stopped working for the Employer.

Electrician John Seifried testified that Nimmerichter told him that Jeff was “going to go” and that Trotter “was going to take care of it.” Seifried also reported Nimmerichter claiming he recommended dismissal in the case of six to eight employees who were eventually fired.

B. Community of Interest

As I noted above, Nimmerichter spends 95% of his time performing the same sort of electrical work as the Employer’s other electricians. His work time is spent on the same job sites as the other electricians, and he works the same hours. The only difference between Nimmerichter and other employees is that Nimmerichter has some responsibility for designating the tasks to be performed on site and making certain they are done properly. Further, Nimmerichter indicated that he is not the only individual in the Employer’s workforce who performs these additional functions and who is considered a foreman. The record does not indicate the identities of the other individuals who serve as foremen.

Nimmerichter is paid \$22 per hour. Mark Finn is the only other employee whose rate of pay is described in the record. Finn was paid \$18 per hour while employed as a journeyman electrician and \$12 per hour after the Employer decided that his work skills made it more appropriate to view him as a helper. The record does not indicate whether these dollar figures are representative of the rates paid other journeymen electricians and helpers.

IV. ANALYSIS

A. Supervisory Status

As I noted above in describing the facts relevant to this issue, Petitioner contends Nimmerichter exercises supervisory responsibility in assigning, directing and disciplining other employees. As the party urging a supervisory finding, Petitioner had the burden to prove its claim by a preponderance of the evidence.

Turning first to the question of work assignment, the Board, as I noted in describing the legal framework for decision, will find that an individual “assigns” work if he designates other workers to a place, appoints them to a time for work or assigns them overall duties. Nimmerichter does not play any role in determining which hours or job sites other employees will work. He does, however, assign tasks once employees are on site and this could arguably be viewed as “assignment” of work as the Board uses that term.

The fact that an individual assigns tasks to other workers is, however, not sufficient to confer supervisory status under the Act. To make out a finding of supervisory status, the proponent must show that the assignments require exercise of independent judgment. In

Nimmericher's case, the record is silent as to what, if any, criteria he might use in deciding on assignments. And, absent such evidence, I cannot find what level of judgment he exercises. Petitioner has not shown that Nimmericher exercises independent judgment in assigning work. *Modesto Radiology Imaging, Inc.*, 361 NLRB No. 84, at slip. opin. p. 2 (2014); *Network Dynamics Cabling*, 351 NLRB 1423, 1425 (2007).

As for direction, Nimmerichter does offer instruction about how jobs should be handled, monitor the work of other electricians and make reports to Trotter about work performance which might result in adverse action against the reported employees. He clearly directs work. *Community Education Centers, Inc.*, supra. at slip. opin. p. 1.

But, direction only confers supervisory status if it is "responsible," and responsible direction requires evidence that the alleged supervisor may suffer adverse consequences as a result of the performance of other workers. *Community Education Centers, Inc.*, supra. Nimmerichter testified that he did not believe he is responsible for the mistakes of other workers, and there is nothing in the record suggesting that he might be punished as a result of errors committed by other employees. I find the evidence insufficient to establish that he responsibly directs work.

I also find that Petitioner has failed to establish that Nimmerichter independently disciplines other workers. Nimmerichter admitted that he reports problems with work performance to Trotter, but insisted his reports are not accompanied by recommendations as to what if any action should be taken. The only evidence to the contrary was provided by John Seifried who claimed Nimmerichter said he has recommended termination in a number of cases where employees were fired.

The Board has repeatedly indicated that merely reporting infractions is not enough to confer supervisory status. The putative supervisor must recommend action, and action must be taken without any independent evaluation by his superiors. *The Republican Co.* supra. at slip. opin. p. 7; *Franklin Home Health Agency*, 337 NLRB 826, 830 (2002). Nimmerichter insisted he merely reports poor performance and does not make any recommendation as to what Trotter should do with the reports. If this accurately describes Nimmerichter's role in the disciplinary process, then the evidence is insufficient to establish his status as a supervisor. Petitioner's Brief cites to John Seifried's claim to have heard Nimmerichter admit he recommends discharge. At best, however, Seifried's testimony creates a conflict as to the extent of Nimmerichter's participation in disciplinary decisions, and the Board will not find supervisory status where there is conflicting evidence regarding the extent of supervisory authority. *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). Petitioner has not shown Nimmerichter has the power to discipline or discharge other workers.

In short, Petitioner has not carried its burden of showing that Nimmerichter exercises any of the supervisory powers set forth in the Act. I find that Nimmerichter should not be excluded from the unit as a supervisor.

B. Community of Interest

This leaves Petitioner's claim that Nimmerichter does not have a community of interest with other unit employees. The unit sought by Petitioner includes all of the Employer's employees who perform field electrical work. Employees in this unit perform the same type of work using the same set of skills. They work together on the same job sites. They all ultimately report to Company President Trotter. The employees in Petitioner's unit are a clearly identifiable group of workers with a community of interest.

But, Nimmerichter works on the same job sites with other unit employees. He possesses the same skills and spends virtually all of his time performing the same tasks. Like other unit employees, he reports to Trotter. And, while he does handle some administrative tasks not performed by all of the remaining unit employees, the unit does apparently include some other unidentified "foremen" who also perform these functions.

If Nimmerichter is left out, he would be the only non-supervisory electrician excluded from a unit which includes at least some employees who perform all of the same functions he handles. Assuming the Board's *Specialty Healthcare* standard applies in this situation, I find that Nimmerichter shares an overwhelming community of interest with the other electricians and that his exclusion would produce an arbitrarily defined unit. *Odwalla, Inc.*, 357 NLRB No. 321, at slip. opin. p. 5 (2011).⁷ Accordingly, I shall include him in the unit.

V. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and for the reasons set forth above, I conclude and find as follows:

1. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.
3. The Petitioner is a labor organization that claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

⁷ It is arguable that the employees in the unit sought by Petitioner do not share a community of interest separate from Nimmerichter and could not constitute an appropriate unit without his inclusion. In that case, it would not be necessary to reach the "overwhelming community of interest" part of the Board's *Specialty Healthcare* test.

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time journeyman electricians, mechanics, apprentice electricians and helper level electricians employed by the Employer from its Boyertown, Pennsylvania facility; **excluding** all office staff, office and plant clericals, managers, delivery drivers, guards and supervisors as defined in the Act.

VI. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for the purposes of collective bargaining by **INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 98**. The date, time, and place of the election will be specified in the Notice of Election that the Board's Regional Office will issue subsequent to this Decision.

A. Eligible Voters

The eligible voters shall be unit employees employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike, which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Additionally eligible are those employees in the unit who have been employed for a total of 30 working days or more within the period of 12 months or who have had some employment in that period and have been employed for a total of 45 working days within the 24 months immediately preceding the payroll period immediately preceding the date of this Decision and also have not been terminated for cause or quit voluntarily prior to the completion of the last job for which they were employed.⁸ Unit employees who are in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are: (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility; (2) employees engaged in a strike who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

⁸ *Steiny & Co.*, 308 NLRB 1323 (1992); *Daniel Construction*, 133 NLRB 264 (1961), modified in 167 NLRB 1078 (1967).

B. Employer to Submit List of Eligible Voters

To ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969).

Accordingly, it is hereby directed that within 7 days of the date of this Decision, the Employer must submit to the Regional Office an election eligibility list, containing the full names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359, 361 (1994). The list must be of sufficiently large type to be clearly legible. To speed both preliminary checking and the voting process, the names on the list should be alphabetized (overall or by department, etc.). Upon receipt of the list, I will make it available to all parties to the election.

To be timely filed, the list must be received in the Regional Office, One Independence Mall, 615 Chestnut Street, Seventh Floor, Philadelphia, Pennsylvania 19106 on or before **Friday April 10, 2015**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor will the filing of a request for review affect the requirement to file this list. Failure to comply with this requirement will be grounds for setting aside the election whenever proper objections are filed. The list may be submitted by mail, facsimile transmission at (215) 597-7658, or by electronic filing through the Agency's website at **www.nlr.gov**. Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The burden of establishing the timely filing and receipt of the list will continue to be placed on the sending party. Since the list will be made available to all parties to the election, please furnish a total of 2 copies unless the list is submitted by facsimile or electronic filing, in which case no copies need be submitted. If you have any questions, please contact the Regional Office.

C. Notice of Posting Obligations

According to Section 103.20 of the Board's Rules and Regulations, the Employer must post the Notices to Election provided by the Board in areas conspicuous to potential voters for a minimum of 3 working days prior to 12:01 a.m. of the date of the election. Failure to follow the posting requirement may result in additional litigation if proper objections to the election are filed. Section 103.20(c) requires an employer to notify the Board at least 5 working days prior to 12:01 a.m. of the day of the election if it has not received copies of the election notice. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure to do so estops employers from filing objections based on non-posting of the election notice.

VII. RIGHT TO REQUEST REVIEW

Pursuant to the provisions of Section 102.67 of the National Labor Relations Board's Rules and Regulations, Series 8, as amended, a request for review of this Decision may be filed with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, DC 20570-0001.

Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, the request for review must be received by the Executive Secretary of the Board in Washington, DC by the close of business on **Friday April 17, 2015, at 5:00 p.m. (ET)**, unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file a request for review electronically.** If the request for review is filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time** on the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of a request for review by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.⁹ A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the E-filing system on the Agency's website at **www.nlrb.gov**. Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

DATED: April 3, 2015

/s/ Harold A. Maier

HAROLD A. MAIER

Acting Regional Director, Region Four
National Labor Relations Board

⁹ A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

